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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

HANSEN BEVERAGE COMPANY, a
Delaware corporation

Petitioner,

vs.

DSD DISTRIBUTORS, INC., a
Wisconsin corporation

Respondent.

Case No: 08 CV 0619 LAB RBB

**DECLARATION OF LEILA
NOURANI IN SUPPORT OF DSD'S
MOTION TO DISMISS OR STAY
PETITION TO CONFIRM
ARBITRATION AWARD**

Judge: Hon. Larry A. Burns

Hearing

Date: June 9, 2008 (Reserved)

Time: 11:15 a.m.

Judge: Hon. Larry A. Burns

DECLARATION OF LEILA NOURANI

I, Leila Nourani, declare:

1. I am an attorney at law duly licensed to practice law in the State of California and before this Court, and am a partner with the law firm of Foley & Lardner LLP, counsel for Respondent DSD Distributors, Inc. (“DSD”) in this action. I have personal knowledge of the matters set forth below, and if called upon I could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of DSD’s Notice of Motion and Motion for Partial Vacation of Arbitration Award and supporting Affidavit of Julie Lewis (and relevant exhibits thereto), stamped filed in the Wisconsin Circuit Court on April 4, 2008.

3. Attached hereto as Exhibit B is a true and correct copy of relevant portions of the Wisconsin Fair Dealership Law, at Wis. Stat. § 135.01, *et seq.*

4. Attached hereto as Exhibit C is a true and correct copy of Defendant’s Notice of Motion and Motion to Dismiss or Stay This Action Pending Arbitration Or Litigation In Another Forum And Additionally To Vacate Temporary Restraining Order, filed by Hansen Beverage Company in Wisconsin Circuit Court on July 27, 2007.

5. Attached hereto as Exhibit D is a true and correct copy of the Wisconsin Circuit Court’s August 6, 2007 Order From Hearing of July 31, 2007.

6. Attached hereto as Exhibit E is a true and correct copy of the Wisconsin Circuit Court’s April 14, 2008 Notice of Motion Hearing.

7. Attached hereto as Exhibit F is a true and correct copy of the United States District Court for the Central District of California’s April 1, 2008 Order of Dismissal.

Judicial notice of these documents is proper. Federal Rule of Evidence 201 provides that, upon request, a court shall take judicial notice of facts that are “capable of accurate and ready determination by resort to sources whose accuracy

1 cannot reasonably be questioned.” Fed. R. Evid. 201(b). Examples of matters
2 whose accuracy cannot reasonably be questioned are public records such as
3 pleadings, orders and other papers on file in another action pending in the court;
4 records and reports of administrative bodies; or the legislative history of laws, rules
5 or ordinances. *See Mack v. South Bay Beer Distributors, Inc.*, 798 F.2d 1279, 1282
6 (9th Cir. 1986).

7 I declare under penalty of perjury under the laws of the United States of
8 America that the foregoing is true and correct.

9 Executed this 16th day of April, 2008, at Los Angeles, California.

10
11 /s/ Leila Nourani
Leila Nourani

CERTIFICATE OF SERVICE

I Leila Nourani, hereby certify that on April 16, 2008, I caused the following document(s):

DECLARATION OF LEILA NOURANI IN SUPPORT OF DSD'S MOTION TO DISMISS OR STAY PETITION TO CONFIRM ARBITRATION AWARD

To be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following party:

Tanya M. Schierling
Solomon Ward Seidenwurm & Smith LLP
401 B. Street, Suite 1200
San Diego, CA 92101

/s/ Leila Nourani
Leila Nourani